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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR
THE ELABORATION OF AN INTERNATIONAL CONVENTION
TO COMBAT DESERTIFICATION IN THOSE COUNTRIES
EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY IN AFRICA
Third Session
New York, 17-28 January 1994
Agenda item 2

ELABORATION OF AN INTERNATIONAL CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

Negotiating Text of the Convention

Note by the Secretariat

1. At its second substantive session in Geneva, the INCD requested the Secretariat to draft a single negotiating text of the Convention, which would serve as the basis for the discussions in the two working groups of the INCD during its third substantive session in New York. This text is attached for the Committee's consideration.

2. In preparing the negotiating text, the Secretariat drew heavily on (a) document A/AC.241/12, the compilation of government views, statements and drafting proposals prepared as a background paper for the second session, (b) statements in the two working groups during that session and (c) written submissions received from governments after that session containing additional comments and drafting proposals. In addition, UN agencies concerned with drought and desertification issues were consulted.

3. The proposed negotiating text does not include the wording of all the drafting proposals received. The Secretariat's objective was, rather, to integrate the proposals in a coherent text likely to gather broad support among INCD member States. The Secretariat took special care, however, to ensure that the text reflects all views expressed even though this lengthened it somewhat. Brackets around portions of text or entire articles indicate clear cases of diverging views.

4. The negotiating text is based on the hypothesis that Regional Implementation Annexes will be negotiated and form an integral part of the Convention. Should INCD members decide to adopt a different approach, certain provisions of the text will have to be modified accordingly. Pending further discussion of the matter during the January meeting, the Secretariat has not introduced in the text any direct reference to the specific regional instruments to be included. At a later stage, however, it might be appropriate to incorporate such references, particularly in Article 17.

Negotiating Text

CONVENTION ON COMBATTING DESERTIFICATION IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

The Parties to this Convention,

Reflecting the urgent concern of the international community, including States and organizations, about the adverse impact of desertification and drought,

Aware that arid, semi-arid and dry sub-humid drylands together account for a significant proportion of the earth's land area and are the habitat and source of livelihood for a large segment of its population,

Acknowledging the global dimension of desertification, its effects in all regions of the world and the common interest of the international community in combatting it,

Noting the high concentration of developing countries, notably least developed countries, among countries experiencing serious drought and/or desertification, and the particularly tragic consequences of these phenomena in Africa,

Noting also that desertification is caused by complex interactions among physical, biological, political and socio-economic factors, including trade and other aspects of international economic relations,

Conscious that economic growth, social development and poverty eradication are the first and overriding priorities of developing countries and are themselves essential to meeting sustainability objectives,

Mindful that desertification affects sustainable development as both a causal factor and consequence of important social problems such as poverty, food security, health and migration,

Recalling General Assembly resolution 47/188, particularly the priority it prescribed for Africa, and all other relevant United Nations resolutions, decisions and programmes on desertification and drought, as well as relevant declarations by African countries and those from other regions,

Convinced of the validity and relevance of decisions adopted at the United Nations Conference on Environment and Development, particularly of Agenda 21 and its Chapter 12,

Appreciating the significance of the past efforts and experience of States and international organizations in combatting desertification and mitigating drought, particularly in implementing the Plan of Action for Combatting Desertification which arose from the 1977 United Nations Conference on Desertification,

Realizing that, despite extensive efforts in the past, progress in combatting desertification and mitigating drought has not met expectations and that a new approach is needed at all levels in the framework of sustainable development,

Recognizing that the responsibility for combatting desertification and the consequences of drought rests ultimately with national governments and depends on local implementation in affected areas,

Stressing the critical role played by women in many regions affected by desertification, particularly in rural areas of developing countries, and the importance of ensuring the full participation of both men and women in programmes to combat desertification and mitigate drought,

Emphasizing the special roles of non-governmental organizations, youth and children, and indigenous people in programmes to combat desertification and mitigate drought,

Bearing in mind the relationship between desertification and other environmental problems facing the international community, such as climate change, conservation of biodiversity and availability of fresh water,

Bearing also in mind the contribution that combatting desertification can make to achieving the objectives of the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change and vice-versa,

Believing that strategies to combat desertification and mitigate drought will be most effective if they are based on sound systematic observation and rigorous scientific knowledge, and continuously reevaluated in that light,

Determined to spare no effort in combatting desertification and mitigating drought, for the benefit of present and future generations,

Have agreed as follows:

PART I

INTRODUCTION

Article 1

Use of terms

1. For the purposes of this Convention:

(a) "desertification" means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities;

(b) "drought" means a sustained, regionally extensive deficiency in precipitation resulting in a period of abnormally dry weather sufficiently prolonged for the lack of water to cause a serious hydrological imbalance;

(c) "land degradation" means reduction of the biological and economic productivity potential of rainfed cropland, irrigated cropland, or range, pasture and forest land by one or a combination of processes, including, among others:

(i) displacement of soil materials by wind and water erosion,

(ii) internal soil deterioration through physical and chemical processes such as salinisation, acidification, aridification, nutrient depletion, compaction, sealing, crusting, waterlogging and subsidence, and

(iii) long-term loss of natural vegetation;

(d) "arid, semi-arid and dry sub-humid areas", or "affected areas", means areas where the ratio of average annual precipitation to potential evapotranspiration is greater than or equal to 0.05 and less than or equal to 0.65 and where the average annual temperature is greater than [insert appropriate temperature];

(e) "countries experiencing serious drought and/or desertification", or "affected countries", means countries whose land areas include, in whole or in part, affected areas, and which are listed as such in Annex 1, list A;

(f) "affected countries needing assistance" means the affected countries listed as such in Annex 1, list B;

(g) "countries in a position to provide assistance" means the developed and other countries, as well as regional economic integration organizations, listed as such in Annex 1, list C;

(h) "combatting desertification" means all activities to directly or indirectly prevent, reduce or reverse land degradation in affected areas; and

(i) "regional economic integration organization" means an organisation constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention and has been duly authorized, in accordance with its internal procedures, to sign, ratify, and accede to this Convention.

2. The Secretariat, working with competent intergovernmental organizations, shall maintain an information glossary of internationally agreed definitions of other terms relevant to this Convention. The Conference of Parties shall periodically review this glossary.

Article 2

Objective

1. The objective of this Convention is to combat desertification [and mitigate the effects of drought] in countries experiencing serious drought and/or desertification, particularly in Africa. [, through effective national action, supported by organized international cooperation and partnership arrangements based on mutual interest, in the framework of an integrated approach consistent with Agenda 21 [and aimed at achieving sustainable development and livelihoods in affected areas.]]

[2. Achieving this objective shall involve a long-term central strategy which focuses simultaneously in affected areas on improved productivity of lands, conservation and sustainable management of lands and improved living conditions at the community level, particularly through:

(a) poverty eradication;

(b) assurance of food and energy security;

(c) sustainability of economic growth and employment; and

(d) security and stability of financial resources.]

[Article 3

Principles

In addition to applying relevant principles of the Rio Declaration on Environment and Development, in their actions to achieve the objectives of this Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

(a) the Parties should, in all programmes of international cooperation to combat desertification and mitigate drought,

respect both national sovereignty and their obligations relating to transboundary relations pursuant to international law;

(b) the Parties should ensure that decisions on the design and implementation of programmes to combat desertification and the consequences of drougnt are taken at the lowest possible level in administrative structures, down to the local community level, and that an enabling environment is created at higher levels to facilitate local action;

(c) the Parties should, in a spirit of international solidarity and partnership, improve cooperation and coordination at sub-regional, regional and international levels and better focus financial, human, organizational and technical resources where they are needed;

(d) the Parties should develop partnerships among all levels of government, communities, non-governmental organizations and landholders to establish an understanding of the nature and value of land resources in affected areas and to work towards their sustainable use; and

(e) the Parties should put in place national policies and institutional arrangements to identify, examine and reconcile economic, social, cultural, demographic, ecological and other concerns in order to sustain the full range of use of land in affected areas for the benefit of the community as a whole.]

PART II

GENERAL PROVISIONS

Article 4

General obligations

1. The Parties shall implement their obligations under this Convention, individually or jointly, either through existing or prospective bilateral and multilateral arrangements, or a combination thereof, as appropriate, keeping in mind the need to coordinate efforts and develop a coherent long-term strategy at all levels.

2. In pursuing the objectives of this Convention, the Parties shall:

(a) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification;

(b) [give due attention, within the relevant global and regional bodies, to the situation of affected developing countries with regard to international trade, marketing arrangements and debt;]

[establish the necessary arrangements and understandings for the negotiations required to put in place an enabling international economic environment for the promotion of sustainable development in affected developing countries, including arrangements to:

(i) mitigate the impact of external debt on them;

(ii) improve international market conditions for their products;

(iii) reduce the effects of exchange rate variations on them; and

(iv) devise pricing and trade policies that will encourage the development and productivity of affected areas, including the abandonment of practices, such as the subsidization of agricultural exports, that undermine the efforts of local population;]

[(c) adopt poverty eradication as a central element of the efforts to combat desertification and mitigate drought;]

(d) promote cooperation among affected country Parties needing assistance in the fields of environmental protection and conservation of natural resources, as they relate to desertification and drought;

(e) strengthen sub-regional and regional cooperation;

(f) cooperate within relevant intergovernmental organizations to the extent that their mandate relates to, or has an impact on, desertification and drought; and

(g) develop institutional mechanisms, as appropriate, keeping in mind the need to avoid duplication.

Article 5

Obligations of affected country Parties

In addition to their obligations in accordance with Article 4, affected country Parties, conscious of their special responsibility in combatting desertification and mitigating drought, undertake to:

(a) give due priority to combatting desertification and mitigating drought, and allocate substantial resources proportionate to the magnitude of the problem they are experiencing;

(b) establish strategies and priorities, within the framework of national environmental policy, to combat desertification and make public the elements of such strategies and their effect on land degradation in order to determine their efficacy;

(c) focus on the role of affected local populations, while concentrating on removing the underlying causes of desertification and paying special attention to the socio-economic factors contributing to desertification processes; and

(d) emphasize awareness and participation of local populations, both women and men, recognizing that meaningful participation requires full public participation and the inclusion of all elements of society in the benefits of sustainable development.

Article 6

Obligations of country Parties in a position to provide assistance

In addition to their obligations set out in Article 4, developed country Parties and other Parties in a position to provide assistance, whether or not they are themselves affected by desertification and drought, undertake to:

(a) actively support the efforts of affected country Parties needing assistance, particularly the least developed among them, in their efforts to combat desertification and mitigate drought; and

(b) facilitate access to, and provide, financial resources and access to appropriate technology, to ensure that affected country Parties needing assistance are in a position to effectively implement their long-term strategies to combat desertification and mitigate drought.

Article 7

Priority to Africa

In implementing the provisions of this Convention, the Parties shall give priority to affected African countries, in light of the particular situation prevailing in this region, while not neglecting other regions.

Article 8

Relationship with other Conventions

1. The Parties shall encourage the coordination of activities carried out under this Convention and under other relevant legal instruments, particularly the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, in order to derive maximum benefit from activities under each Convention while avoiding duplication of effort. The Parties shall encourage the conduct of joint programmes, particularly in the fields of research, training and exchange of information, to the extent that such activities may contribute to achieving the objectives of the Conventions concerned.

2. The provisions of this Convention shall not affect the rights and obligations of any Party deriving from a bilateral, regional or global agreement into which it has entered prior to the entry into force of this Convention for it.

PART III

ACTION PROGRAMMES, SCIENTIFIC AND TECHNICAL COOPERATION AND SUPPORTING MEASURES

Section 1: Action programmes

Article 9

Basic approach

In carrying out their obligations pursuant to Article 5, affected country Parties needing assistance shall prepare without delay, make public, and implement national action programmes, and as appropriate sub-regional and regional action programmes, as the central element of the strategy to combat

desertification and mitigate drought. Such programmes shall be updated at intervals to be decided by the Conference of Parties. Developed country Parties and other Parties in a position to provide assistance shall support affected country Parties needing assistance in this process, either directly or through appropriate intergovernmental organizations, or both.

Article 10

National action programmes

1. The purpose of national action programmes is to identify in a clear and concise manner the factors contributing to desertification, the policy and institutional reforms and other measures necessary, the respective roles of government, local communities and land users, and the resources available or required. National action programmes shall, inter alia:

(a) incorporate a long-term and integrated approach forming part of a single strategic planning framework for sustainable development and indicating the relationship of the programme to that framework;

(b) encompass an evolving strategy to adapt to changing circumstances and improved scientific and technical knowledge, and be sufficiently flexible to adapt to local conditions and allow for distinct solutions in different socio-economic and ecological situations;

(c) give priority to the implementation of preventive measures for lands that are not yet degraded, or which are only slightly degraded, without neglecting degraded areas;

(d) create an enabling national environment by removing legislative and other obstacles to required action, particularly local action, and by giving local populations access to appropriate management technologies and information;

(e) provide for effective participation by grassroots organizations and local populations, both women and men, particularly resource users, in policy-planning, decision-making and implementation in order to promote local initiatives and develop a sense of partnership providing incentives to improve land management; and

(f) give grassroots organizations, and non-governmental organizations more generally, an effective role in the preparation, implementation and review of the programmes, making full use of their expertise [and granting them institutional recognition and appropriate assistance].

2. National action programmes shall include clear goals, criteria and benchmarks, within precise timeframes for execution, and mechanisms for systematic observation, so as to assess and measure progress in their implementation.

[Article 11

Fields to be covered in national action programmes

Taking into account the conditions and requirements specific to each affected country Party needing assistance, national action programmes may include, inter alia, measures in some or all of the following fields as they relate to affected areas and their populations:

(a) the development and implementation of programmes and measures relating to capacity-building, education and awareness, scientific and technical cooperation, and financial resources and mechanisms, in accordance with Articles 18 to 23;

[(b) reduction of poverty, including income and employment opportunities, improved purchasing power and alternative livelihoods, tourism promotion, rural infrastructure, market access, producer and marketing cooperatives, and access to credit and other financial services;]

(c) utilization of economic instruments to ensure sustainable commercial practices and proper resource valuation, including budget allocations to agricultural support programmes, agricultural and energy pricing, minimization of government interference in agricultural production and export incentives;

(d) food security, including improved overall productivity of agricultural lands, introduction and development of drought-resistant fast-growing crop plants, food security reserves, and expansion of feeder-road networks;

(e) land management, including land tenure and other relevant legislation, soil conservation, sand dune fixation, community-based assessment networks, prior environmental impact assessment of projects, and rational management of agricultural land, watersheds, forests and wildlife;

(f) pasture and range management, including secure access to, and use of, water and grazing land, allocation of control over water points to pastoral communities, and enactment of pastoral/range activity legislation that, inter alia, recognizes herding as a sustainable use of marginal land and ensures the complementarity of grazing and agricultural activities;

(g) maintenance and sustainable management of vegetation cover, including management of forest resources by local communities, creation and protection of forest reserves, agroforestry activities and reforestation of degraded areas;

(h) water management, including maintenance of hydrological capacity, water conservation, environmentally sound measures to develop rivers, lakes, catchment areas, watersheds and groundwater, acquisition of water development technologies at affordable costs, development of infrastructure for exploiting fossil water, water quality control measures and sustainable irrigation and drainage systems;

(i) meteorological and hydrological services, including strengthening of personnel and improvement of data collection, analysis, exchange and dissemination to users;

(j) energy, including the development and efficient use of various energy sources, the promotion of alternative sources of energy, particularly solar and wind energy, and specific arrangements for the transfer, acquisition and adaptation of relevant technology;

(k) conservation and utilisation of all types of biodiversity in accordance with the provisions of the Convention on Biological Diversity;

(l) national population policies, including those to deal with population pressure on land-carrying capacity; migration, both within and between countries; family planning services; and changes in demographic composition; and

(m) institutional and legal frameworks, including the decentralization of administrative structures, mechanisms to resolve land use conflicts efficiently, the coordination of national activities related to drought and desertification, and operational measures to empower local communities, both women and men, such as the transfer of fiscal responsibilities.]

Article 12

Sub-regional action programmes

Affected country Parties needing assistance shall prepare, as appropriate, sub-regional action programmes to harmonize, complement and increase the efficiency of national programmes. The provisions of Article 10 shall apply mutatis mutandis to sub-regional programmes. They may include, inter alia, measures in some or all of the following areas:

(a) assessment and strengthening, as appropriate, of sub-regional institutions and their rationalization to avoid duplication, to resolve potential conflicts and to effectively perform functions necessary for the implementation of this Convention;

(b) scientific and technical cooperation in accordance with Articles 18 to 20;

(c) joint programmes for the reforestation and rehabilitation of degraded ecosystems that straddle national boundaries, and agreements on the management of shared resources, such as rivers, lakes, aquifers, wildlife and grazing lands;

(d) joint programmes of cooperation with respect to migratory flows of people, transhumance, the development and promotion of alternative sources of energy, and hydrology and meteorology;

(e) joint programmes to combat locusts and other pest invasions; and

(f) review of trade practices, within the sub-region, that might have an adverse impact on the efforts of local populations to combat desertification.

Article 13

Regional action programmes

Affected country Parties needing assistance shall consult and cooperate regionally, as appropriate, in the preparation and implementation of a regional action programme, which may include measures in Article 12, sub-paragraphs (a) to ((f), to ensure the adoption of a coherent strategy for the region as a whole. The provisions of Article 10 shall apply mutatis mutandis to regional action programmes.

[Article 14

Measures in action programmes to mitigate the effects of drought

Affected country Parties needing assistance subject to drought, may include in their action programmes, inter alia, some or all of the following measures to mitigate its effects:

(a) the strengthening of early warning systems, including local and national facilities as well as joint systems at the sub-regional and regional levels, and mechanisms for assisting refugees and displaced persons;

(b) the strengthening of drought preparedness and management, including drought contingency plans at the local, national, sub-regional and regional levels;

(c) the establishment of food security systems including storage and marketing facilities, the strengthening of coordination and better management of food aid; and

(d) programmes in areas such as public works and employment safety nets to help local communities cope with drought.]

Article 15

Assistance in the elaboration and implementation of action programmes

Developed country Parties and other Parties in a position to provide assistance shall support, consistent with their capabilities, the elaboration and implementation of action programmes, both bilaterally and through competent intergovernmental organizations, through financial, technical and other forms of assistance as provided for in this Convention. Supporting measures shall include, inter alia:

(a) financial cooperation of sufficient duration to provide an adequate degree of predictability for action programmes, allowing for necessary long-term planning by countries needing assistance;

(b) use of assistance-delivery mechanisms which better enable support at the local level, including through non-governmental organizations;

(c) increased flexibility in project design, funding and implementation in keeping with the experimental, iterative approach indicated for participatory action at the local community level; and

(d) streamlined administrative and budget procedures to increase the efficiency of assistance programmes.

Article 16

Coordination in the elaboration and implementation of action programmes

1. Affected country Parties needing assistance and all country Parties providing assistance to specific action programmes shall work closely together, directly and through relevant intergovernmental organizations, in the elaboration and implementation of action programmes.

2. The Parties shall develop operational mechanisms, particularly at the national and field levels, to ensure the fullest possible coordination among country Parties providing assistance, countries needing assistance and relevant international and non-governmental organizations, in order to avoid duplication, harmonize interventions and approaches, and maximize the impact of assistance. Arrangements relating to the form of such coordination are set out in the Regional Implementation Annexes.

Article 17

Regional Implementation Annexes

Elements for incorporation in action programmes shall be selected and adapted to the socio-economic, geographic and climatic factors applicable to affected countries or regions, as well as to their level of development. Guidelines for the preparation of action programmes and their exact focus and content for particular sub-regions and regions are set out in the Regional Implementation Annexes, which include obligations with respect to:

(a) the specific areas to be covered in the action programmes of countries of a particular region or sub-region and the measures required in each of these areas;

(b) the measures to be taken jointly by groups of country Parties choosing to cooperate in the preparation and implementation of action programmes in a particular region or sub-region; and

(c) the degree and nature of assistance required from country Parties in a position to provide assistance in order to elaborate and implement action programmes.

Section 2: Scientific and Technical Cooperation

Article 18

Information collection, analysis and exchange

1. In meeting their obligations in Articles 4 to 17, the Parties agree to integrate and coordinate the collection, analysis and exchange of relevant short-term and long-term data and information to ensure systematic observation of land degradation in affected areas and better understand the processes and effects of drought and desertification. To this end, they shall:

(a) support the establishment of a global network of institutions and facilities for information collection, exchange and monitoring at all levels, which shall:

(i) use compatible standards and systems;

(ii) encompass meteorological, climatological and hydrological stations, including sites in remote areas;

(iii) use and disseminate, in a targeted and effective way, modern technology for data assessment, such as high resolution satellite imagery, areal photography and geographical information systems; and

(iv) link national and sub-regional data and information centres more closely with global information sources;

(b) ensure that information collection, analysis and exchange activities address the needs of local communities, and those of decision-makers, with a view to resolving specific problems, and that local communities are involved in these activities;

(c) support and further develop, as appropriate, bilateral and multilateral programmes aimed at defining, conducting, assessing and financing data and information collection, analysis and

exchange, including inter alia resource inventories, data banks and integrated sets of physical, biological, social and economic indicators;

(d) make full use of the expertise of relevant intergovernmental organizations and non-governmental organizations, particularly to disseminate relevant information and experiences among different regions;

(e) give greater weight to collection, analysis and exchange of socio-economic data, as well as its integration with physical and biological data; and

(f) exchange, and make freely, openly and promptly available, information from all sources, including not only the results of scientific observation and research, such as climate and hydrological data for drought early warning, but also information on training and technological programmes as well as indigenous and traditional knowledge.

2. The Conference of Parties [, on the advice of the Scientific and Technological Council,] shall prepare and adopt, as soon as practicable, guidelines on a standardized system for the collection of information to be used by all affected country Parties. Such guidelines shall be based on the incorporation of key variables in minimum data sets.

3. The Secretariat shall catalogue relevant existing arrangements and facilities to enable the Conference of Parties to adopt, as soon as practicable, measures necessary to ensure the effective operation of the global network referred to in paragraph 1, subparagraph (a) [, which shall be based on the Evaluation and Monitoring Centre established in accordance with Article 27.] Maximum use shall be made of existing institutions at all levels.

Article 19

Research and development

1. In meeting their obligations in Articles 4 to 17, the Parties undertake to promote technical and scientific cooperation in the fields of drought and desertification through appropriate institutions. To this end, they shall support research activities that:

(a) contribute to increased knowledge of the processes leading to desertification and drought as well as the impact of, and distinction between, causal factors, both natural and human, with a view to achieving improved productivity as well as sustainable use and management of resources;

(b) respond to well defined objectives, address the specific needs of local populations and lead to the identification of solutions to satisfy those needs;

(c) protect, integrate and enhance traditional and indigenous knowledge;

(d) develop and strengthen national and sub-regional research capabilities in affected countries needing assistance, including the development of local skills;

(e) take into account the relationship between poverty and desertification; and

(f) give greater weight to socio-economic research, interdisciplinary research and participatory research.

2. Research priorities for particular regions and sub-regions, reflecting different local conditions, are determined in the Regional Implementation Annexes. In addition, the Conference of Parties shall review research priorities periodically [, on the advice of the Scientific and Technological Council,] and the Secretariat shall maintain an inventory of relevant research institutions.

[3. The Conference of Parties shall [consider, as soon as practicable, whether to] establish a clearing-house mechanism linked to the data and information network developed pursuant to Article 18, paragraph 3, to promote and facilitate technical and scientific cooperation pursuant to paragraph 1, sub-paragraphs (a) to (f) as the core of a network of institutions at the international, regional and national levels.]

Article 20

Transfer, acquisition, adaptation and development of technology

1. In meeting their obligations in Articles 4 to 17, the Parties undertake to promote, facilitate and finance, as appropriate, the transfer, acquisition, adaptation and development of relevant, environmentally sound technologies in accordance with national policies. Such cooperation shall be conducted bilaterally or multilaterally, as appropriate, making full use of the expertise of intergovernmental and non-governmental organizations. The Parties shall, in particular:

(a) fully utilize relevant existing national, sub-regional, regional and international information systems and clearing-houses, as well as the mechanisms developed pursuant to Article 18, paragraph 3 [and Article 19, paragraph 3], for the dissemination of information on available technologies, their sources, their environmental risks and the broad terms under which they may be acquired;

(b) assess the cost and benefits of available technology and facilitate access to technologies most suitable to practical application for specific needs of local populations, paying special attention to the social and economic impact of such technology;

(c) facilitate technology cooperation among affected country Parties needing assistance through financial assistance or other appropriate means;

(d) take appropriate measures to create domestic market conditions and incentives, fiscal or otherwise, conducive to the transfer, acquisition and adaptation of suitable commercial technology and knowledge;

(e) promote the conduct of joint research programmes and ventures between suppliers and recipients of relevant technologies, in both the public and private sectors, for the development of improved, affordable and accessible technologies; and

(f) extend technology cooperation with affected countries needing assistance to sectors such as utilization of biodiversity and genetic resources, cottage industries, small business and tourism, which can provide alternative livelihoods.

2. The Parties shall give special attention to the protection, promotion and use of relevant traditional and indigenous technology and know-how, which may have been neglected in the past. To this end, the Parties undertake to:

(a) make inventories of, and disseminate information on, such technology and know-how, and its potential uses, in cooperation with relevant intergovernmental and non-governmental organizations;

(b) encourage and actively support the development, improvement and dissemination of such technology and know-how, or of new technology based on them; and

(c) facilitate, as appropriate, the adaptation of such technology and know-how to large-scale use and integrate them with modern technology, as appropriate.

3. Specific provisions for carrying out cooperation pursuant to this Article, taking account of the conditions prevailing in particular affected country Parties, sub-regions and regions, are included in Regional Implementation Annexes.

Section 3: Supporting Measures

Article 21

Capacity building, education and public awareness

1. The Parties recognize the significance of capacity building, that is institution building, training and development of indigenous scientific capacity, in efforts to combat desertification and mitigate drought. In all capacity building activities, they shall emphasize:

(a) capacity building at all levels, but particularly at the local level through full participation of local people, including both women and men, and partnership with non-governmental organizations and local organizations;

(b) the strengthening of extension services to disseminate relevant technology more effectively, and the training of extension agents and members of rural organizations in participatory approaches to land management;

(c) fostering of the use and dissemination of the knowledge, expertise and practices of local people relying, wherever possible, on local rather than foreign experts in technical assistance programmes;

(d) the adaptation of relevant environmentally-sound technology and traditional methods of agriculture and pastoralism to modern socio-economic conditions;

(e) the provision of appropriate training and technology in the use of alternative sources of energy, particularly to reduce dependence on wood for fuel;

(f) cooperation to strengthen the capacity of affected country Parties needing assistance to develop and implement programmes in the field of information collection, analysis and exchange in accordance with Article 18, including the acquisition of appropriate land degradation monitoring technology;

(g) innovative ways of promoting alternative livelihoods, including training in new skills;

(h) the training of appropriate decision-makers and managers, as well as personnel who are responsible for data collection and for the use of early warning information on drought conditions and food production;

(i) the more effective operation of existing national institutions and legal frameworks, [and where necessary creation of new ones,] along with strengthening of strategic planning and management, including with respect to early warning systems; and

(j) the use of exchange visitor programmes to enhance capacity building in affected countries through a long-term, interactive process of learning and study.

2. Affected country Parties needing assistance shall conduct, with the assistance of competent intergovernmental organizations and Parties in a position to provide assistance, as appropriate, an interdisciplinary review of available capacity and facilities at the local and national levels, and the potential for strengthening them.

3. The Parties shall cooperate individually, collectively and through competent intergovernmental organizations, and work with non-governmental organizations, to undertake and support public awareness and educational programmes, in both affected and unaffected country Parties, to promote understanding of the causes and effects of desertification and of the importance of meeting the objectives of this Convention. To this end, they shall:

(a) target awareness campaigns at the public at large of all age groups using traditional means of communication, print and electronic media, modern communication technologies and community networks such as community radio stations and information centres;

(b) ensure, on a permanent basis, access by the public to relevant information, as well as wide public participation in education and awareness activities;

(c) encourage the establishment of associations that contribute to public awareness;

(d) develop and exchange educational and public awareness material, where possible in local languages, exchange and second experts to train personnel of affected countries needing assistance in carrying out relevant education and awareness programmes, and fully utilize relevant educational materials available in competent international bodies;

(e) assess education needs in dryland areas and expand educational programmes on the identification, conservation and sustainable use of affected areas;

(f) develop interdisciplinary participatory programmes integrating desertification awareness into education systems throughout school curricula and in non-formal, adult and practical education programmes; and

[(g) conduct, as appropriate, campaigns to combat illiteracy and expand educational opportunities for girls and women.]

[4. The Conference of Parties shall establish [an international education and training centre] [a network of regional education and training centres] for combatting desertification and the effects of drought to train appropriate scientific, technical and management personnel of affected countries needing assistance and to assist the institutions responsible for

education and training in affected countries needing assistance in harmonizing programmes and in organizing exchanges of experience. The [Centre] [network of centres] shall cooperate closely with relevant intergovernmental organizations to avoid duplication of effort.]

Article 22

Financial resources

1. Recognizing the centrality of adequate financing for achieving the objectives of the Convention, the Parties undertake to provide financial resources, consistent with their capabilities, national plans, priorities and programmes. They shall, in particular:

(a) ensure the provision of financing and incentives for specific activities which meet the objectives of this Convention;

(b) give priority to Africa, in accordance with Article 7, while not neglecting other regions;

(c) rationalize and strengthen resources already allocated for combatting desertification and the effects of drought by using them more effectively and more flexibly, assessing their successes and shortcomings, removing bottlenecks to their effective use, and reorienting programmes in light of the integrated approach adopted pursuant to this Convention;

(d) give due priority and attention, within the governing bodies of multilateral institutions, to development assistance for affected countries needing assistance in order to support activities likely to advance the implementation of action programmes;

(e) explore new methods of innovative financing, such as economic or environmental instruments and taxes, to raise funds from both public and private sources;

(f) provide for equitable burden-sharing among countries providing assistance;

(g) ensure the replicability and internal sustainability of projects to combat desertification and mitigate drought; and

[(h) allow Parties providing financial assistance the flexibility to determine utilization of their funds, including the ability to designate relevant bilateral aid as contributions to its funding arrangements.]

2. Affected countries needing assistance shall allocate a substantial portion of their own financial resources to achieving the objectives of this Convention [and shall establish national funds to combat desertification and mitigate the effects of drought.]

3. Developed countries and other Parties in a position to provide assistance shall facilitate the mobilization of, and make available on a regular, timely, predictable [and concessional] basis [,on such terms and conditions as may be mutually agreed,] [new and additional] [adequate] financial resources to assist in the implementation of action programmes of affected countries needing assistance, and requesting such assistance.

[4. Developed country Parties reaffirm their commitments in Agenda 21 to reach the accepted United Nations target of 0.7 percent of Gross National Product for Official Development Assistance.]

Article 23

Financial mechanisms

1. In providing financial assistance in accordance with this Convention, the Parties shall make full use of all available national, bilateral and multilateral financing mechanisms, encompassing statutory contributions, voluntary contributions, grants, donations, loans, joint ventures, and private funding, including from non-governmental organizations.

2. To better understand the flow of funds to combat desertification and mitigate drought, the Conference of Parties shall make, and regularly update, an inventory of the sources and uses of these funds [and review the adequacy of multilateral structures]. [It shall also establish a clearing house on the types and methods of assistance available through the various channels and estimate, on a regular basis, the financial resources needed to implement the Convention.]

[3. In order to supplement currently available resources, the Conference of Parties shall establish, as soon as practicable, a specialized fund to combat desertification and mitigate the effects of drought. In so doing, it shall give due consideration to the establishment of an international finance corporation[1] and to other innovative financing sources, such as specific deposits by multilateral agencies. The Conference of Parties shall set and review at least every three years the policies, operational modalities and programme priorities of the fund, as well as eligibility criteria for access to the fund. These shall include, inter alia, the level of development of affected countries needing assistance and the priority to be given to Africa.]

[4. The modalities in paragraph 3 shall provide for transparency and accountability in the management of the resources of the fund, and allocation of a specific percentage of these resources to local and non-governmental programmes.]

PART IV

INSTITUTIONS

Article 24

Conference of Parties

1. A Conference of Parties is hereby established.

2. The Conference of Parties is the supreme body of the Convention. It shall keep the implementation of the Convention under regular review, and shall make, within its mandate, the decisions necessary to promote its effective implementation. To this end, it shall:

(a) periodically review the operation of the Convention and of the institutional arrangements in light of the experience gained, the evolution of scientific and technological knowledge [, as well as the international context];

(b) promote and facilitate the exchange of information on measures adopted by the Parties, and determine the form and intervals for transmitting the information to be submitted in accordance with Article 28, review the reports and make recommendations on them;

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[1] Along the lines of the proposal in General Assembly document A/36/141

(c) assess, on the basis of all information made available to it, the implementation of the Convention by the Parties, the effects of measures taken pursuant to the Convention, and the degree of progress toward achieving its objectives;

(d) make recommendations on any matter necessary for the implementation of the Convention;

(e) establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;

(f) review reports submitted by its subsidiary bodies and provide guidance to them;

(g) revise periodically the lists of countries in Annex 1;

(h) agree upon and adopt, by consensus, rules of procedure and financial rules for itself and any subsidiary bodies;

(i) adopt amendments to the Convention in accordance with Article 32;

(j) approve a comprehensive programme and regular budget, [based on agreed assessed contributions][to be borne by the regular budget of the United Nations], to ensure the effective operation of the Secretariat, the subsidiary bodies [and the international networks agreed upon in accordance with Articles 18,19 and 21];

(k) seek, as appropriate, the services and cooperation of, and information provided by, competent intergovernmental and non-governmental organizations; and

(l) exercise such other functions as may be necessary for the achievement of the objective of the Convention, as well as other functions assigned to it pursuant to the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim Secretariat established in accordance with Article 38 and shall take place not later than one year after the date of entry into force of the Convention. Thereafter, ordinary sessions of the Conference of the Parties shall be held [every year unless otherwise] [at regular intervals as] decided by the Conference of the Parties.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the Secretariat, it is supported by at least one-third of the Parties.

[6. At the opening of its sessions, the Conference of Parties shall elect a Bureau comprising a chairman, three vice-chairmen and a rapporteur. Due regard shall be paid to the need to ensure equitable geographic distribution and adequate representation of those countries affected by drought and desertification, particularly in Africa.]

7. The United Nations, its specialized agencies and any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the

Secretariat of its wish to be represented at a session of the Conference of Parties as an observer, may be so admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of Parties.

Article 25

Secretariat

1. A Secretariat is hereby established.

2. The functions of the Secretariat shall be:

(a) to make arrangements for sessions of the Conference of Parties and its subsidiary bodies established under the Convention and to provide them with services as required;

(b) to compile and transmit reports submitted to it;

(c) to facilitate assistance to affected Parties needing assistance, on request, particularly the least developed among them, in the compilation and communication of information required in accordance with the provisions of the Convention;

(d) to prepare reports on its activities and present them to the Conference of Parties;

(e) to ensure the necessary coordination with the secretariats of other relevant international bodies and conventions;

(f) to enter, under the overall guidance of the Conference of Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(g) to perform other secretariat functions specified in the Convention and such other functions as may be determined by the Conference of Parties.

3. The Conference of Parties, at its first session, shall designate a permanent secretariat and make arrangements for its functioning.

[Article 26

Scientific and Technological Council

1. A Scientific and Technological Council is hereby established.

2. At the request, and under the supervision of, the Conference of the Parties, the Scientific and Technological Council shall provide advice on scientific and technical issues relating to the activities carried out under the Convention with a view to achieving its objectives, including in particular the preparation and implementation of national, regional, and sub-regional action programmes.

3. [The Scientific and Technological Council shall consist of 20 experts appointed by the Conference of Parties in their personal capacity. It shall be multidisciplinary and its composition shall have due regard to the need to ensure adequate geographical representation. Members of the Council shall be elected for a term of three years. They shall be eligible for re-election.][The Scientific and Technological Council shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in relevant fields of expertise.]

4. The Council shall report regularly to the Conference of Parties, through the Secretariat, on all aspects of its work.]

[Article 27

Evaluation and Monitoring Centre

1. A Drought and Desertification Evaluation and Monitoring Centre is hereby established.

2. Under the authority and supervision of the Conference of Parties, the Drought and Desertification Evaluation and Monitoring Centre shall:

(a) assist, coordinate and strengthen, as appropriate, international and intergovernmental programmes aimed at defining, conducting, assessing and financing research, data collection and systematic observation of drought and desertification in accordance with Articles 18 and 19;

(b) support the establishment of a network of national, sub-regional, regional and international institutions and technical facilities, as appropriate, for the continuous assessment and monitoring of drought and desertification;

(c) support international and intergovernmental efforts to strengthen national scientific and technical research capacities and capabilities, particularly in Africa; and

(d) ensure the coordination of activities at the local, national, sub-regional and international levels.

3. In carrying out its activities, the Centre shall cooperate closely with relevant intergovernmental organizations to avoid duplication of effort.

4. The Centre shall report regularly to the Conference of Parties, through the Secretariat, on all aspects of its work.

5. The Centre shall be located in [...][in Africa].]

PART V

PROCEDURES

Article 28

Communication of information on implementation

1. Each Party shall communicate to the Conference of Parties, through the Secretariat, reports on the measures which it has taken for the implementation of this Convention. The Conference of Parties shall determine the timetable for the submission of such reports.

2. Affected country Parties needing assistance shall provide a detailed description of the action programmes adopted pursuant to Articles 9 to 14 and of any relevant information on their implementation. Any group of affected Parties needing assistance may make a joint communication on measures taken at the regional and sub-regional levels in the framework of action programmes. Other affected country Parties shall provide a description of the strategies adopted pursuant to Article 5 and of any relevant information on their implementation.

3. Developed country Parties and other Parties in a position to provide assistance shall report on measures taken to assist in the preparation and implementation of action programmes, including information on the financial resources they have provided, or are providing, under this Convention.

4. Information communicated in accordance with paragraphs 1 to 3 shall be transmitted by the Secretariat as soon as possible to the Conference of Parties and to any relevant subsidiary body.

5. The Conference of Parties shall arrange for the provision to affected country Parties needing assistance, on request, of technical and financial support in compiling and communicating information in accordance with this Article, as well as identifying the technical and financial needs associated with proposed action programmes. Such support may be provided by the Secretariat, competent intergovernmental organizations or by other Parties, as appropriate.

[Article 29

Measures to prevent disputes

The Conference of Parties shall consider and adopt procedures and institutional mechanisms for the amicable solution of difference of views that may arise on the interpretation and application of the Convention.]

Article 30

Settlement of disputes

1. Parties shall settle any dispute between them concerning the interpretation or application of the Convention through negotiation or other peaceful means of their own choice.

[2. When ratifying or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means for dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) submission of the dispute to the International Court of Justice;

(b) arbitration in accordance with the procedure set out in Annex ...

3. A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2, subparagraph (b).

4. A declaration made under paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before the International Court of Justice or an arbitral tribunal unless the Parties to the dispute otherwise agree.

6. If the Parties to a dispute have not accepted the same procedure pursuant to paragraph 2 and if they have not been able to settle their dispute within twelve months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to conciliation

at the request of any Party to the dispute, in accordance with the procedure set out in Annex ..., unless the Parties otherwise agree.]

Article 31

Status of Annexes

Regional Implementation Annexes and other Annexes form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention constitutes a reference to its Annexes.

Article 32

Amendments

1. Any Party may propose amendments to the Convention.

2. Amendments to the Convention shall be adopted at a session of the Conference of Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to the Convention.

3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted and no agreement reached, the amendment shall, as a last resort, be adopted by a [two-thirds][[three-fourths] majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the Secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least [two-thirds][three-fourths] of the Parties to the Convention.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

6. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 33

Adoption and amendment of Annexes

1. Any additional Annex to the Convention, and any amendment to an Annex, shall be proposed and adopted in accordance with the procedure for amendment of the Convention set forth in Article 32. The adoption or amendment of an Annex shall be communicated by the Depositary to all Parties.

2. An Annex, or an amendment to an Annex, that has been adopted in accordance with paragraph 1 shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of the Annex or of the amendment, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the Annex or the amendment. The Annex or

the amendment to an Annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

3. If the adoption of an Annex or an amendment to an Annex involves an amendment to the Convention, that Annex or amendment to an Annex shall not enter into force until such time as the amendment to the Convention enters into force.

Article 34

Right to vote

1. Except as provided for in paragraph 2, each Party to the Convention shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 35

Depositary

The Secretary-General of the United Nations shall be the Depositary of the Convention.

PART VI

FINAL PROVISIONS

Article 36

Signature

The Convention shall be open for signature at ..... , on ....., by States members of the United Nations or any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations. It shall remain open for signature, thereafter, at the United Nations Headquarters in New York until ..... .

Article 37

Ratification and accession

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party to the Convention shall be bound by all the obligations under the Convention. Where one or more member States of such an organization are also a Party to the Convention, the organization and its member States shall decide on their

respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. They shall also promptly inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 38

Interim arrangements

The Secretariat functions referred to in Article 25 will be carried out on an interim basis by the Secretariat established by the General Assembly of the United Nations in its resolution 47/188 of 22 December 1992, until the completion of the first session of the Conference of Parties.

Article 39

Entry into force

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the [sixtieth][fiftieth][fortieth][thirtieth] instrument of ratification or accession.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to the Convention after the deposit of the [sixtieth][fiftieth][fortieth][thirtieth] instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification or acceptance.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

Article 40

Reservations

[No reservations may be made to this Convention.]

Article 41

Withdrawal

1. At any time after [two][three] years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

Article 42

Authentic texts

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed the present Convention.

DONE AT ..... , this ..... day of ..... one thousand nine hundred and ninety-four.

Annex I

List A

"Countries experiencing serious drought and/or desertification"
or "affected countries"

List B

"Affected countries needing assistance"

List C

"Countries in a position to provide assistance"